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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) Case No. CR03-0001-RSL-JPD  
10 v. )  
11 MARK J. VIENA, ) SUMMARY REPORT OF U.S.  
12 Defendant. ) MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An evidentiary hearing on a petition for violation of supervised release in this case was  
15 scheduled before the undersigned Magistrate Judge on February 22, 2006. The United States  
16 was represented by Assistant United States Attorney Carl Blackstone, and the defendant by Ms.  
17 Paula Deutsch. The proceedings were recorded on cassette tape.

18 The defendant had been charged and convicted of Felon in Possession of a Firearm in  
19 violation of 18 U.S.C. §§ 992(d)(1) and 924(a)(2). On or about April 18, 2003, defendant was  
20 sentenced by the Honorable Robert S. Lasnik to fifteen (15) months imprisonment, to be  
21 followed by three (3) years of supervised release.

22 On March 21, 2005, defendant was found to be in violation of his supervised release by  
23 (1) using methamphetamine; (2) failing to report for urinalysis testing; (3) failing to participate  
24 in a substance-abuse treatment program, and (4) failing to submit monthly reports. Defendant's  
25 supervised release was revoked, and he was sentenced by the Honorable Robert S. Lasnik to two  
26 (2) months imprisonment, to be followed by thirty-two (32) months of supervised release.

01 On May 3, 2005, defendant began serving his second term of supervision and was placed  
02 at Pioneer Fellowship House in Seattle. Again, on August 17, 2005, defendant was found to be  
03 in violation of his supervision by failing to complete a three-month placement at the Pioneer  
04 Fellowship House as directed by the Court. Defendant's second term of probation was revoked,  
05 and he was sentenced by the Honorable Robert S. Lasnik to three (3) months imprisonment, to  
06 be followed by twenty-four (24) months of supervised release. Defendant was placed at The  
07 Tacoma Sanction Center on September 28, 2005, to begin his third term of supervised release.

08 The conditions of defendant's third term of supervised release included the requirements  
09 that the defendant comply with all local, state, and federal laws, and with the standard  
10 conditions. Special conditions imposed included, but were not limited to, substance-abuse and  
11 mental-health treatment participation; consent to search; no possession of a firearms or  
12 destructive device; no alcohol; and residence at a halfway house for one month.

13 In a Petition for Warrant or Summons and a Violation Report and Request for Warrant,  
14 both dated January 25, 2006, U.S. Probation Officer Joe G. Mendez asserted the following  
15 violations by defendant of the conditions of his supervised release:

16 (1) Using methamphetamine on or before November 30, 2005, in violation of  
17 standard condition number 7.

18 (2) Failing to report for urinalysis testing on November 28, December 19, and  
19 December 29, 2005, and on January 3 and January 19, 2006.

20 (3) Failing to participate in a chemical-dependency treatment program as directed,  
21 in violation of special condition number 3.

22 The defendant admitted to all three pending violations.

23 I therefore recommend that the Court find the defendant to have violated the terms and  
24 conditions of his supervised release as to violations numbers 1, 2, and 3, and that the Court  
25 conduct a hearing limited to disposition. A disposition hearing on these violations has been set  
26 before the Honorable Robert S. Lasnik, on March 1, 2006, at 9:00 a.m.

01 Pending a final determination by the Court, the defendant has been detained.

02 DATED this 28th day of February, 2006.

03 

04 JAMES P. DONOHUE

05 United States Magistrate Judge

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07 cc: District Judge: Honorable Robert S. Lasnik  
08 AUSA: Mr. Carl Blackman  
09 Defendant's attorney: Ms. Paula Deutsch  
10 Probation officer: Mr. Joe Mendez  
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